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11/15/02

Plant Patent Application
Serial No. 09/733,648
Confirmation No. 3034
Attorney Docket No.: 2384-002137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1661 :
In re Application of :
WILHELM ELSNER : VARIETY OF GERANIUM PLANT
Serial No. 09/733,648 : NAMED 'PENSYB'
Filed December 8, 2000 :
Examiner – Kent Bell : Pittsburgh, Pennsylvania
November 4, 2002

SUPPLEMENTAL RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

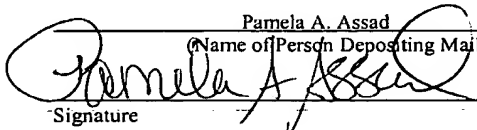
In further response to the Office Action dated May 7, 2002 per the Communication dated October 22, 2002, Applicant submits the following remarks.

REMARKS

Claim 1 stands rejected under 35 U.S.C. § 102(b) for anticipation by each of European Union Plant Breeder's Rights Application No. 98/0066, Polish Plant Breeder's Rights Application No. OO00524, Czech Republic Plant Breeder's Rights Application No. 1086, and a SICASOV licensing agreement, each in view of a sale of a plant named 'Pensyb' in Germany in 1998. Applicant traverses these rejections for the following reasons.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on November 4, 2002.

{W0027303.1}

Pamela A. Assad
(Name of Person Depositing Mail)

Signature Date 11/04/02

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